

**BOROUGH OF HANOVER  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2277**

**AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY,  
PENNSYLVANIA SIGNIFYING THE INTENTION OF THE BOROUGH COUNCIL TO  
ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE  
PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, AS AMENDED, TO BE  
KNOWN AS THE "BOROUGH OF HANOVER STORMWATER AUTHORITY";  
SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION;  
APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY AND  
FIXING THEIR TERM OF OFFICE; DESIGNATING THE PURPOSES FOR SAID  
ARTICLES OF INCORPORATING; AUTHORIZING THE TAKING OF ALL SUCH  
ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID  
AUTHORITY, INCLUDING THE PUBLICATION OF REQUIRED PUBLIC NOTICE;  
AND CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, CODIFICATION,  
AND EFFECTIVE DATE.**

**WHEREAS**, a comprehensive program of stormwater management is fundamental to the public health, safety, welfare and the protection of the residents of the Borough of Hanover (the Borough"), their property, resources and the environment in order to control items such as flooding, erosion, and pollution; and

**WHEREAS**, Federal and State regulations require the Borough to implement and properly maintain a program of stormwater controls. The Borough is required to obtain a permit for stormwater discharges from their municipal separate storm sewer system (MS4) under the National Pollutant Discharge Elimination System (NPDES) permit; and

**WHEREAS**, in an urban environment such as the Borough, each property uses or is in some fashion connected with, serviced by, or benefitted by the public Stormwater Management System; and

**WHEREAS**, the Borough is empowered to establish, organize, and incorporate an authority pursuant to §5603 of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. §5601 et seq., as amended; and

**WHEREAS**, in preparation for the enactment of this Ordinance, a public hearing was held on October 24, 2018 by the Borough Council of the Borough of Hanover pursuant to notice duly advertised as required by the Municipality Authorities Act.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Borough Council of the Borough of Hanover and it is hereby **ORDAINED and ENACTED** by the authority of the same, as follows:

**SECTION 1. INTENT.** It is the intent of the Borough Council of the Borough of Hanover to organize an authority under provisions of the Municipality Authorities Act.

**SECTION 2. NAME OF AUTHORITY.** The name of the Authority shall be the "Borough of Hanover Stormwater Authority."

**SECTION 3. ARTICLES OF INCORPORATION.** The proposed Articles of Incorporation of said Borough of Hanover Stormwater Authority are attached hereto as Exhibit "A".

**SECTION 4. MEMBERS.** The first members of the Board of the Borough of Hanover Stormwater Authority, named in the proposed Articles of Incorporation (Exhibit "A"), are specifically appointed members of said Board for the terms set after their respective names as set forth in the proposed Articles of Incorporation (Exhibit "A"), commencing on the date of appointment and computed from the first Monday in January, 2019.

**SECTION 5. AUTHORITY TO EFFECT THE INCORPORATION OF THE AUTHORITY.** The President of the Borough Council is hereby authorized and directed to execute the Articles of Incorporation of the Borough of Hanover Stormwater Authority in substantially the form set forth in this Ordinance, and the Borough Secretary of the Borough is hereby authorized and directed to execute and deliver such other documents, agreements, certificates, and instruments and to do all acts necessary or appropriate to effect the incorporation of the Borough of Hanover Stormwater Authority, including, but not limited to, to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and the filing of said Articles of Incorporation, to be published as required by the Municipality Authorities Act.

The President of the Borough and the Borough Secretary of the Borough are authorized and directed to file such Articles of Incorporation and necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of the Borough of Hanover Stormwater Authority, including payments of the required filing fees.

**SECTION 6. PURPOSES AND PROJECTS AUTHORIZED.** The Borough of Hanover Stormwater Authority shall have all of the purposes, powers, and rights as provided by Act 68 of 2013 [53 Pa.C.S.A. Section 5607 (a) 18], and Act 123 of 2014 [53 Pa.C.S.A. Section 5607 (d) 34], and including, but not limited to, financing working capital; acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee, providing financing for insurance reserves for the following:

stormwater planning, management and implementation and establishing reasonable and uniform rates based in whole or in part on property characteristics for the inhabitants of the Borough, as set forth in the Articles of Incorporation.

**SECTION 7. SEVERABILITY.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this chapter, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

**SECTION 8. REPEALER.** All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

**SECTION 9. CODIFICATION.** This Ordinance shall be codified in the Codified Ordinances of the Borough of Hanover.


**SECTION 10. EFFECTIVE DATE.** This Ordinance shall take effect upon its advertisement and enactment as required by law.

**DULY ENACTED, this 24<sup>th</sup> day of October, 2018, BY THE COUNCIL OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, IN LAWFUL SESSION DULY ASSEMBLED.**

**ATTEST:**

**BOROUGH OF HANOVER**

  
Borough Secretary

  
William W. Reichart, II  
Council President

  
Mayor

## EXHIBIT "A"

### ARTICLES OF INCORPORATION OF THE BOROUGH OF HANOVER STORMWATER AUTHORITY

To the Secretary of the Commonwealth of Pennsylvania,  
Harrisburg, Pennsylvania

In compliance with the requirements of the Municipality Authorities Act, Act of May 2, 1945, P.L. 382, 53 Pa. C.S.A. §5601 et seq., as amended, and pursuant to the desire of the duly elected officials of the Borough of Hanover, York County, Pennsylvania, signified by duly enacting Ordinance No. 2277 of the Borough of Hanover authorizing the organization of a Municipal Authority and the obtaining of a Certificate of Incorporation to be issued to said Authority, the Borough of Hanover does hereby certify:

- a. The name of the Authority shall be "Borough of Hanover Stormwater Authority", and the registered office of the Authority is 44 Frederick Street, Hanover, Pennsylvania 17331;
- b. The Authority is formed under the provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. §5601 et seq., as amended, Act of May 2, 1945, P.L. 382, and its various amendments;
- c. No other Authority has been organized under the Municipal Authorities Act of 1945 or under the former the Act of June 28, 1935 (P.L. 463, No. 191) and is in existence in the Borough of Hanover;
- d. The names, titles and addresses of the members of the Borough Council of the Borough of Hanover, the incorporating Municipality, are as follows:

<u>Name</u>	<u>Address</u>	<u>Office</u>
William W. Reichart, II	990 McCosh Street, Hanover, PA 17331	President
Barbara A. Rupp	270 Frederick Street, Hanover, PA 17331	Vice-President
Brian J. Shea	330 E. Hanover Street, Hanover, PA 17331	Council Member
Heath Chesney	321 Spring Street, Hanover, PA 17331	Council Member
R. Daniel Noble	509 Parkview Lane, Hanover, PA 17331	Council Member
Jeanine Pranses	27 Monroe Street, Hanover, PA 17331	Council Member
Ray Hoover	10 Stock Street, Hanover, PA 17331	Council Member
Brian O'Neil	19 Carlisle Street, Hanover, PA 17331	Council Member
James E. Baumgardner	540 W. Middle Street, Hanover, PA 17331	Council Member
Christopher Lockard	308 Centennial Avenue, Hanover, PA 17331	Council Member

e. The names, addresses and terms of office of the members of the Board of the proposed Authority are as follows:

<u>Name</u>	<u>Address</u>	<u>Term of Office</u>
David Benfield	50 Orchard Drive, Hanover, PA 17331	One (1) year
R. Daniel Noble	509 Parkway Lane, Hanover, PA 17331	Two (2) years
Jeanine Pranses	27 Monroe Street, Hanover, PA 17331	Three (3) years
William W. Reichart, II	990 McCosh Street, Hanover, PA 17331	Four (4) years
Michael R. Bowersox	537 W. Middle Street, Hanover, PA 17331	Five (5) years

f. The purpose of this Authority is to provide the financing, operation, and maintenance of a comprehensive Stormwater Management System, including underground pipes, conduits, inlets, outfalls, culverts, catch basins, dams, flood control structures, gutters, ditches, channels, detention ponds, best management practices, public streets, curbs, conveyances, appurtenances, and drains and to establish reasonable and uniform rates based in whole or in part on property characteristics for the inhabitants of the Borough of Hanover. For such purposes, the Authority shall have and exercise all powers granted by law pursuant to the Municipalities Authorities Act; and


g. The Designated Service Area for the Authority is the Borough of Hanover, York County, Pennsylvania.

**WITNESSETH**, the signature of the President of Council of the Borough of Hanover and the Secretary of the Borough Council.

**ATTEST:**

**BOROUGH OF HANOVER**

  
Borough Secretary

  
William W. Reichart, II  
Council President

(SEAL)